

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

HEATH WHITT,)
AIS #222052,)
)
Plaintiff,)
)
vs.)
)
WARDEN MILLS, et al.) CASE NO. 2:18-CV-851-MHT-CSC
)
)
Defendants.)

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S COMPLAINT**

COME NOW Defendants and respectfully request an extension of time for filing their responsive pleading to Plaintiff's Complaint, filed in the above-styled case, based on the following:

1. This lawsuit was discussed by the Court during the last Evidentiary Hearing in the case of *Braggs v. Braggs*, In the U.S. Middle District of Alabama, Civil Action No. 2:14-cv-601, on October 23, 2018, as that case relates to the above-styled case. The Court determined that this case could be filed separately from the *Braggs* case, and was not subject to arbitration process in place for claims involving the Americans with Disabilities Act.

2. Defendants are in the process of seeking counsel "outside" of the Alabama Department of Corrections for representation of them in this matter.

3. The defendants believe that outside counsel can be retained by November 16, 2018, but the process of retaining such counsel will take some time to obtain the necessary approval.

4. By filing this motion for extension of time to respond to Plaintiff's

Complaint, the Defendants do not intend to waive any arguments or defenses that would be required in an initial pleading.

WHEREFORE, based upon the foregoing, the Defendants respectfully request the Court grant their motion, extending the time for filing a responsive pleading to Plaintiff's Complaint up to and including November 16, 2018.

Steve Marshall
Attorney General

/s/ Joseph "Jody" G. Stewart Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of October 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following (or by U.S. Mail to the non-CM-ECF participants):

Heath Whitt #222052
Bullock Correctional Facility
P.O. Box 1507
Union Springs, Alabama 36089-5107

/s/ Joseph (Jody) G. Stewart Jr.

Joseph (Jody) G. Stewart Jr. (STE123)
Assistant Attorney General